

THE NEW YORK TIMES, SATURDAY, APRIL 12, 1969

Judge Rejects Charge of Eavesdropping by F.B.I.

Special to The New York Times

CHICAGO, April 11—Federal District Judge Julius J. Hoffman rejected today an allegation that the Federal Bureau of Investigation illegally eavesdropped on a meeting of lawyers with eight clients accused of conspiring to incite rioting during the Democratic National Convention last August.

Judge Hoffman dismissed a motion for an order restraining the Government from "unconstitutional and illegal eavesdropping and surveillance" of the eight defendants.

He also rejected a request that Thomas A. Foran, United States Attorney, be ordered to institute criminal proceedings against David Hill, the F.B.I. agent who, according to Stanley Bass, one of the lawyers, did the eavesdropping.

The incident allegedly occurred last Wednesday when the eight were meeting with their lawyers in a conference room in Mr. Foran's office in the United States Courthouse.

Eavesdropping Denied

Mr. Hill did not testify, but in an affidavit submitted to the court he denied eavesdropping

Move for Restraining Order Is Dismissed in Case of 8 Protesters in Chicago

He said he had been outside the conference room to give the whereabouts of the defendants to other agents, deputy marshals and policemen who were on security watch because demonstrators were in the building.

He said the only electronic device he carried was a two-way radio.

In denying the motions, Judge Hoffman observed:

Intimidation Charged

"When the time comes that the United States attorney cannot have an F.B.I. agent in his office without consulting defense attorneys in criminal cases, some court higher than this will have to tell me that this is the law."

Mr. Bass alleged that the Government was attempting to "intimidate the defense lawyers and inhibit the defendants from preparing their defense" and "harassing the defendants in a

way to threaten and destroy the attorney-client privilege."

Richard G. Schultz, an assistant United States attorney, said there was "not even a scintilla of evidence" of eavesdropping and called the motion "unprofessional and a disgrace to the bar." Mr. Foran said he was outraged.

The eavesdropping charge was made public yesterday in New York City by two lawyers.

The defendants are Rennard C. (Rennie) Davis, Bobby G. Seale, John R. Froines, Lee Weiner, David T. Dellinger, Thomas E. Hayden, Jerry C. Rubin, and Abbott H. (Abbie) Hoffman.

The defendants are also charged with crossing state lines to foment disorder or otherwise violate the Civil Rights Act of 1968.